

PROB 12C  
(REV. 12/04)

February 01, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS**UNITED STATES DISTRICT COURT**BY: Jaemie Herndon  
DEPUTY

for

WESTERN DISTRICT OF TEXAS**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Evelyn Mahey TN: EVELYN YOTTIE MAHEY Case Number: SA:23-CR-00041-1

Name of Sentencing Judicial Officer: Honorable Kathleen Cardone, United States District Judge

Date of Original Sentence: April 26, 2022

Original Offense: Count 2: Possession with Intent to Distribute 50 Kilograms or More of Marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

Original Sentence: Five (5) Years Probation

Type of Supervision: Supervised Release Date Supervision Commenced: November 8, 2022

Assistant U.S. Attorney: Richard Douglas Watts Defense Attorney: Art Werge

**PREVIOUS COURT ACTION**

On May 15, 2022, an Amended Judgment was ordered due to a clerical error and to include the correct citing of an additional condition.

**On August 1, 2022, a Probation Form 12C-Petition for Warrant or Summons for Offender Under Supervision, was submitted to the Court reporting failure to answer truthfully the questions asked by the probation officer, falsely reporting work dates at Chase Bank, communicating with Brandon D. Hughes a convicted felon without permission of the probation officer, failure to follow instructions from the probation officer regarding an approved location monitoring schedule, and failure to abide by the rules and regulations of the Participant Agreement form by deviating from her approved location monitoring schedule. On August 2, 2022, the Court ordered the issuance of a warrant. On November 8, 2022, probation was revoked and sentenced to time serve; followed by three (3) years supervised release.**

On January 20, 2022, jurisdiction was transferred from the Western District of Texas, El Paso Division Docket No. EP-21-CR-01534-KC (1), to the San Antonio Division and assigned Docket No. SA:23-CR-00041-1.

**PETITIONING THE COURT**

- ☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

1.      **Mandatory Condition No. 1: You must not commit another federal, state or local crime.**

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On November 29, 2022, San Antonio Police Department (SAPD) officers and an arson detective assigned to the San Antonio Fire Department (SAFD) were dispatched to investigate a vehicle fire at Le Chalet Apartments, 832 East Grayson Street, San Antonio, Texas 78208. SAPD officers and the arson detective identified Victim-1 (V-1) as Brandon Dwight Hughes. Hughes told the officer he was out for a jog, and upon return, he noticed smoke coming out from the rear passenger compartment of his 2006 Mercedes-Benz Model 350. According to the report, Mr. Hughes was uncooperative with the arson investigation and denied being at the fire scene.

On the evening of the arson investigation, officers/investigators with SAPD and SAFD interviewed witnesses regarding the vehicle arson. Witnesses told officers/investigators they observed Brandon Hughes and Evelyn Mahey arguing in the middle of the street. Witnesses also stated they observed Ms. Mahey pouring gasoline onto the 2006 Mercedes-Benz and igniting fire to the gasoline container. Mahey was seen attempting to burn Mr. Hughes by throwing the lit gasoline container at him. Witnesses heard Hughes call Mahey by her first name, Evelyn, and they also heard Hughes tell her to “stop.”

Officers/investigators also provided information for a second arson located at Quitman Street, which is situated near one of the witness’ residences. SAPD officers found an active fire that caused damage to a Chevrolet Pickup Truck registered to the San Antonio Aids Foundation. The investigation revealed that the second arson caused damage to the rear passenger tire, and it was ignited by the same gasoline container used by Evelyn Mahey.

On November 30, 2022, a San Antonio Police report was filed under case number SAPD-22260070, charging Ms. Mahey with Arson under Texas State Penal Code | F2 | 28.02 PC. A record check revealed no active warrants for Ms. Mahey, and the arson offense is pending indictment with the Bexar County District Attorney’s Office.

2. **Standard Condition No.7: You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses your from doing so. If you do not have a full-time employment you must try to find full-time employment unless the probation officer excuse’s you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.**

On November 8, 2022, Ms. Mahey commenced her term of supervised release and has failed to secure employment.

3. **Standard Condition No. 8: You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.**

Brandon D. Hughes is a convicted felon under Dkt. No. 2015CR9497 in Bexar County District Court 437<sup>th</sup>, for the offense of Possession of a Controlled Substance Less Than 1 Gram. Mr. Hughes has an active warrant in Takoma, Texas, for Money Laundering >=\$30K<\$150K. On November 28, 2022, the United States Probation Officer instructed Ms.

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Mahey not to associate with Hughes based on his active warrant and prior felony conviction. On November 29, 2022, Ms. Mahey knowingly associated with Mr. Hughes as referenced on case number SAPD- 22260070.

### **U.S. Probation Officer Recommendation:**

Evelyn Mahey's criminal history includes the following convictions: Leave Child Unattended in Vehicle and License Not in Possession. She has the following dismissed criminal charges: Ct. 1: Petty Theft; Ct. 2: Falsely Representing Self to Officer; Exceeding Maximum Speed of 65 Miles Per Hour (MPH); Ct. 1: Failure to Obey Traffic Signs; Ct. 2: Failure to Provide Proof of Financial Responsibility, Ct. 3: Driving Vehicle without Possession of License, No Proof; Child Cruelty: Possible Injury/Death (felony). Ms. Mahey's criminal history category is I. Her substance abuse history includes alcohol (age 17), and experimented with marijuana on two occasions at age 14 and 15.

On November 8, 2022, Evelyn Mahey's term of probation was revoked, and she was sentenced to time served with a term of three (3) years of supervised release. On November 14, 2022, she reported to the San Antonio U.S. Probation Office, and the conditions of supervision were read, signed, and a copy was provided for her records. Ms. Mahey has provided three negative drug tests. However, she has failed to pay her special assessment and secure employment.

On November 28, 2022, the U.S. Probation Office conducted a home inspection at her apartment. Ms. Mahey continues to reside with her ten minor children. Their ages range from the oldest fourteen years of age to the youngest eighteen months old. During the inspection, the U.S. Probation Officer noticed the sparingly furnished three-bedroom, two-bathroom apartment. The bedroom Ms. Mahey occupies with her two youngest children, ages three and eighteen-month-old, has one mattress on the floor. When asked where the other children slept, Mahey stated they slept in the additional bedrooms on the bare floor. Additionally, two large dogs, a Pitbull and a mixed-breed dog, reside inside the apartment with her and her minor children. The U.S. Probation Officer discussed concerns with her regarding the sleeping arrangements for her children and instructed her to reach out to outside community resources and child protective services for assistance with obtaining mattresses and furniture for the children. The U.S. Probation Officer also instructed Mahey that her boyfriend, Brandon Dwight Hughes, and father of her three minor children, is not on the apartment lease and does not have permission to reside with her. Additionally, Hughes is a convicted felon with an outstanding warrant.

On December 2, 2022, the U.S. Probation Office received information from the SAFD Arson Department about an ongoing investigation involving Evelyn Mahey, which occurred on November 29, 2022. The detective advised that criminal charges had been filed for arson because Ms. Mahey attempted to burn Brandon Dwight Hughes with gasoline and set his vehicle on fire. As a result of Ms. Mahey's negligent behavior, two vehicles were damaged. Moreover, the arson occurred in the proximity of an apartment complex where numerous other occupants could have been placed at risk. Although Ms. Mahey denies involvement in the arson, witnesses place her at the crime scene. Her continued high-risk behavior puts the safety of others in the community at risk. Ms. Mahey minimizes her choices and behaviors and fails to take responsibility for her actions while under a term of supervision.

Due to the severe nature of the offense and in the interest of public safety, we respectfully recommend that a warrant be issued. The present violations are deferred to the Court for a ruling.

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☒ The term of supervision should be

☒ revoked. (Maximum penalty: 2 years imprisonment; **Up to Life** supervised release; and payment of any unsatisfied monetary sanction previously imposed).

☐ extended for \_\_ years, for a total term of \_\_ years.

☐ The conditions of supervision should be modified as follows:

Approved:

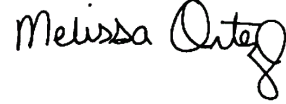


Corrina F. Lopez  
Supervising U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5342

cc: Sarah Wannarka  
Assistant U.S. Attorney

Brenda Trejo-Olivarri  
Assistant Deputy Chief U.S. Probation Officer

Respectfully submitted,



Melissa Orteza  
U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 5377  
Date: January 31, 2023

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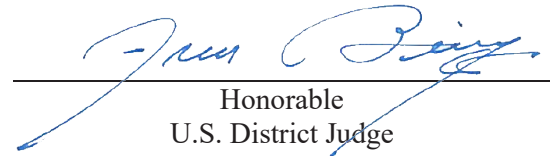
THE COURT ORDERS:

☐ No action.

☒ The issuance of a warrant.

☐ The issuance of a summons.

☐ Other \_\_\_\_\_



Honorable  
U.S. District Judge

February 1, 2023

Date